G. R. S. 59] GPB—15,000—20 12-13

P 23

GENERAL AND REVENUE SECRETARIAT.

1912-13
(Crml. Misc.)

File No. 347-12

Serial Nos. 2 – 6

Papers Filed.

Month May 1914

SUBJECT.

Payment of fees to Mr. M. S. Varadachar Advocate for defending the accused in the fatal accident with the Govt Motor Car near Ulsoor. Bangalore on 21st Dec 12 –

PREVIOUS REFERENCES.	LATER REFERENCES.

K. N. Krishnaswamy for 16-2-14

(2)

Office of the Executive Engineer,
Water Supply & Stores Division,
Bangalore, Camp Mysore, 11-4-13.
14.

Dear sir,

I have the honor to forward herewith a bill presented by Mr. M.G.Varadachar B.A., B.L., advocate, who defended the Government Motor Chaffeur Chinnappa in the recent trial of the accident at Ulsoor.

A copy of letter received from Mr. C.S.Dorasamy Iyer, Government advocate is also enclosed for information and it will be seen from it that the amount of bill is a reasonable charge and so request you to submit same to the Dewan Sahib and get his approval to pay the bill and charge the amount to the anticipated savings in the estimate of the maintenance of the Government Motor Cars for the year 1912-13.

Yours faithfully,

To,

S.Hiriyanniah, Esquire, M.A., B.L.,
Private Secretary to the Dewan of Mysore,
BANGALORE.

P.W.I -307- 12. (4

Copy of letter dated 8-4-1912 from Mr. C.S.Doraswamy Iyer, Government Advocate, Bangalore to the Executive Engineer, Water Supply & Stores Division, Bangalore.

Herewith the bill of Mr. Varadachar for having conducted the motor accident case. I can from personal knowledge can say that he has taken a great deal of interest and pains to work up the case to a successful issue. Besides having appeared in court on the several dates on which the case came on for hearing, he also went to the scene of occurrence 2 or 3 times with a view to better understand the evidence in the case and the evidence of the experts.

Under the above circumstances I consider that the fee of Rs. 100/- he has charged very reasonable. Will you please see that the bill is attended to and passed at an early date.

"COPY"

K. Srinivasa Murthy
Executive Engineer,
Water Supply & Stores Division,
Bangalore.

P.[illegible] 307-12

M. G. VARADACHAR, B.A., B.L.,
ADVOCATE.

Bangalore,
11th August 1913.

K. Srinivasa Iyengar Esq.
Superintending Engineer
Motor Works.
Bangalore

Dear Sir,

As desired by you I am herewith enclosing a copy of Judgment in the Olsoor motor accident case. I hope that on perusal of it Early arrangements will be made for the settlement of my bill for having defended the accused in the said case. Will you please see that Rs 1-13-10, being the cost of obtaining the herein enclosed copy of Judgment will be added on to the sums already mentioned in the bill I have submitted? Hoping that an Early Settlement will be arrived at,

Yours obediently,
M.G. Varadachar
Advocate

Rec'd 10/8/13

IN THE COURT OF THE DISTRICT MAGISTRATE,

CIVIL AND MILITARY STATION, BANGALORE.

Criminal Case No. 3 of 1913.

King Emperor — Complainant — VS. — B. Chinnappa Moodr. — Accused.

For private use only

JUDGMENT

1. The accused, Chinnappa Moodaliar, is charged by the Police with having caused the death of a boy named Mahadevan by driving a Motor Car rashly and negligently an offence under Section 304A Indian Penal Code. The time of the occurrence was about 12.45 P.M. on 21-12-12 and the place the Old Madras Road at Ulsoor just before its junction with Jougpalium Road . Two plans of the scene a filed in the case. Ex. A filed by the Prosecution is certainly defective in many respects. It does not shewn correctly the angles at which the various streets strike the main Old Madras Road.

Ex. 1 filed by the defence is certainly more accurate in that respect.

2. Accused, who is a Motor driver in the service of the Mysore Government, was driving the Car south, towards Bangalore, along the road, ~~while~~ which from the corner by the Ulsoor Temple rises at a gradient of about 1 in 50 to the scene of the accident. D.W.S 2 and 3, a clerk and Muchi in the Dewan of Mysore's Office were seated in the back seat of the Car.

The boy Mahadevan ran out into the Road from beside the wheels of the wooden temple-Car, which stands at the junction of th Madras Road and Someswara Koil street, and almost blocks up the entrance into that street. He dashed in to the Motor Car before it could be pulled up, meeting it apparently behind the front wheel on the off side and was run over by the rear off wheel. Death ensued after a few minutes.

motor experts, is, in my opinion sufficient to rebutt that of the prosecution as regards the speed of the car.

8. D.W. 5 Mr. Wilson White, Motor Engineer to his Highness the Maharajah, says that he well knows the car which ran over the small boy, and that it is not capable of more than 26 miles an hour on level ground. He tried driving the car, after the accident, over the road where the accident occurred and could not get more than 15 miles an hour out of the car. It has to be remembered that there is a fairly long uphill to the place.

He visited the spot about 2 hours after the accident and -- measured the skid and fount it only 15 feet. He has tried the car and found it impossible to make this car skid more than 12 feet. He considers that such a car would have to be going at 60 miles an hour to obtain a skid of 33 feet, - a speed which this car cannot possibly attain.

9. D.W.6 Mr. Ormerod, gives evidence to very much the same effect. He estimates the maximum speed that he attained in driving this car over the road where the accident occurred as 20 miles an hour. This is some what more than Mr. Wilson White managed to extract from the car.

He also visited the scene of the accident on the very day it occurred. He saw the skid marks and measured the distance and -- found it about 15 feet - the same as Mr. Wilson White. He also -- could not make the car skid 33 feet and says that to obtain such a length of skid a speed over 40 miles an hour would be necessary.

10. The conclusion that I cannot but arrive at is that the measurement of 33 feet by P.W.8, Mr. Perry, is very much in excess. An -- explanation is, I think, is indicated if reference is made to statement of Mr. Perry at the inquest on 21-12-12. He says there " I -- have seen the spot where the boy is said to have been run over ..... I notice the place where the brakes are said to have been put on it is 11 paces away from where the boy is said to have been knocked down".

This is very different to what his evidence in Court is where he says that the skid " as ~~seen~~ seen from the marks on the road made

by

unavoidable accident and not to any rash or negligent driving on the part of the accused, whom I accordingly acquit of the charge under Section 258 (1) C. P. C.

Sd/- A. R. Cox
District Magistrate.

29-1-1913.

Copied by [illegible]
Compared by [illegible] 5/8/13.
No. of words 1532
Copying fee 1-8-0
Comparing fee 0-3-4
Paper Cost. 0-0-6
Total 1-13-10

True Copy

[illegible]
SHERISTADAR. 6/8/1913

Date of receipt of application ... 5-8-1913
" " notice to produce fees ...
" " receipt of fees ... 5-8-1913
" on which copy was ready ...
" " " delivered ... 11-8-1913

R. S. 12]

General and Revenue Secretariat. | Jud File No. 347 of 1912.

Jud 317/C

Serial No.

The Advocate also charges Rs 1-13-10 as cost of obtaining a copy of the Judgment in the case. This item has also been ~~recorded~~ subject to approval, included in the draft which is subd

EA 23/12/12 BR

BR 23/12

Secy.

Issue BR 16/1/14

2 To

The Asst. Supt. G. S. & Stores Dept Coimbatore

No. G 5392-3 Dy 16.1.14

Sanctions the payment of Rs 112-13-10 to Mr. Rg. Varadachar being his fees, etc. for conducting the ~~prosecution~~ motor accident case in the C. & M. Station Magistrate's Court.

To

Mr. Varadachar Esq. Advocate,

No. G 5471. Dy 20.1.14

Forwards copy of the above.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

R. S. 12]

General and Revenue Secretariat.

File No. [illegible] of 191 [illegible]

Serial No.

If Mr Ramachandra
sees no objection
as per Mem. Ex. may kindly
be sent to Mr Mg.
Varadachar who has
been dunning for payment.

19/1/14.

Please send copy
to Mr Mg V

19/1/14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

6652

G. R. S. 12]

General and Revenue Secretariat. | File No. 347 of 1912.

545/6652

Serial No.	
3	From the Exve Engineer, Water Supply & Stores Dr. No 43 & 2.2.14 with refce to Rd 2, states that the amount of fees sanctioned therein has been paid to Advocate Mr M. G. Varadachar, by debit to Miscellaneous advance, and requests that the head to which the expre is finally chargeable may be intimated to him for necessary adjustment. May the Exve Engineer himself be asked to state if he cannot find funds for the purpose from the grants under his control? Subd 5/2/14 Yes. As above suggest 6.2.14 Draft subd 9.2.14 Issued 10.2.14
4	To the Exve Engineer, W.S. & Stores Dr. Cs 6869 & 27.2.14 with refce to the above, requests him to suggest rel appn from the current year's budget grant under his control.
5	From the same. No. 344 & 13.2.14 with refce to the above, states that the fees paid to Mr. M.G. Varadachar, Advocate, for having conducted the case relating to the Motor car accident may be debited to the annual maintenance estimate of the Govt Motor Cars for the current year. Draft approving is subd 11.4.14 Seen 13 Approved Issued 14.4.14

7.2.14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

for File No. 847 of 1912.

Serial No.	
6	To the Comptr. & Exve Engr, W.S. & Stores Dr. C9115-6 & 12.5.14
	Approves of the Exve Engr's suggestion & meets
	the charge from the provision for the maintenance charges
	of the Govt motor cars in the current year's budget.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

DIARY No.....5745

1913-1914
SECTION Genl Misc
FILE No. 347 of 1912-13
No. 3

No..43...

Mysore Public Works Department,
Camp Mysore, Dated 31st January 1914.

From,

The Executive Engineer,
Water Supply & Stores Division,
Bangalore.

To,

The Secretary
to the Govt. of H.H.
the Maharaja of Mysore,
General Revenue Departments,
Bangalore.

Sir,

Adverting to Government Order No. G5372-3/G.M.347-12-2 dated the 16th instant sanctioning the payment of Rs. 112-13-10 on account of fees etc, to Mr. M.G.Varadachar, Advocate for having conducted the case relating to the accident with the Government Motor Car near Ulsoor, Bangalore, I have the honor to state that the amount noted above has been duly paid to the Advocate by debit to Miscellaneous advance. The final head to which the amount is chargeable may ~~be~~ kindly be intimated to me as per para 2 of the Government order for necessary adjustment being made in the accounts.

I have the honor to be
sir,
Your most obedient servant,

Executive Engineer,
Water Supply & Stores Division,
Bangalore.

G. R. S. 26]

10/2

X

8m File No. 327-12

Serial No. 1

Diary No. of letter replied to 5445

No. C 6869

General and Revenue Secretariat

( )

, the *191* .

To

The Executive Engineer,

Water Supply & Stores Dn, Bangalore

Date of issue 27/2

Signed by M. T. L. Rao

Sir,

With reference to your letter No. 43 dated the 2nd Feby 1914, reporting that the sum of Rs 112-13-10 sanctioned on account of fees to Mr. M. G. Varada Char, Advocate, for having conducted the case relating to the accident with the Govt Motor Car near Ulsoor, was paid to the Advocate by debit to ~~the~~ 'Miscellaneous Advance', I am directed to request you to suggest reappropriation

over.

SUBJECT.

of the said amount from the current

year's budget grants under your control.

I have &c,

L/102 MG

For Secretary to Govt

bms

List of enclosures,

Copied by

Examined by

GPB—25,000—8-8-11.

V
15/3

DIARY No. 6652

1913-1914
SECTION Gen : mis
FILE No. 347 of 1912-13
5

No. 344

Mysore Public Works Department,
Bangalore, Dated 13th March 1914.

From,

The Executive Engineer,
Water Supply & Stores Division,
Bangalore.

To,

The Secretary
to Government of Mysore,
General & Revenue Departments,
Bangalore.

Sir,

Adverting to your No. G 6869/S.M. 347-12-4 dated 27th ultimo, enquiring to suggest reappropriation of Rs. 11[illegible] paid on account of fees to Mr. M.C.Varadachar, Advocate, for having conducted the case relating to the accident with the Government Motor Car near Ulsoor, I have the honor to state that, the only way that suggests itself to me to meet this amount is, to debit it to the Annual Maintenance Estimate of Government Motor Cars for the current year.

I have the honor to be
sir,
Your most obedient servant,

Executive Engineer,
Water Supply & Stores Division,
Bangalore.

13.3.14.

R.S. 28]

ab

1/5

Diary No. of letter replied to 6652

GM File No. 347-12
Serial No. 6

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, the 7th D 191 .

Date of issue 12-5-14

Signed by Hm. J.L.N.Rao

READ—

G.O No. G 5372-3, dated the
GM 347-12-2
16th January 1914, sanctioning the payment of fees and expenses amounting to Rs 112-13-10 incurred by Mr. M.G. Varadachar, Advocate, for having de-
ORDER THEREON.—No.
~~fen~~ conducted before the City Magistrate, C.M. Stn, Bangalore, the case relating to the accident with the Govt Motor Car near Ulsoor, Bangalore on the 21st Dec 1912, and stating

over.

SUBJECT.

21/2/05

that the source from which the charge should be met would be pointed out later on.

Correspondence ending with letter No. 344 dated the 13th March 1914, from the Ex^ve Engineer, Water Supply and Stores Dy, ~~desiring~~ suggesting that the ~~expense~~ charge may be met from the provision made for the Annual Maintenance Charges of the Govt Motor Cars in the current year's budget.

Order thereon :—No. 6. S. 6

The Ex^ve Engineer's suggestion is approved.

Dmy

1914

My ~~To~~ Secretary

To 4.

The Comptr, Mysore Govt

" Ex^ve Engineer, Water Supply & Stores Dy

GPB—20,000—2-10-11